

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:21-CR-06008-SMJ-3

Plaintiff,

**NOTICE OF PRELIMINARY  
ORDER OF FORFEITURE**

VS

## JERROD JUSTIN HALE,

Defendant.

TO: Jack Lowery Powell

April 15, 2022

2 PETITION DEADLINE: May 15, 2022

3. PRELIMINARY ORDER OF FORFEITURE: The Preliminary Order of Forfeiture having been entered on January 11, 2022 (ECF No. 181), the United States Attorney gives notice of its intention to dispose of the property described in the Preliminary Order of Forfeiture in such a manner as the United States Attorney General may direct.

1       4.     FILING AN ANCILLARY PETITION: Any persons or entities, other  
2 than the Defendants or an agent of the Defendants, having or claiming a legal right, title  
3 or interest in the aforementioned property may petition the United States District Court  
4 for the Eastern District of Washington, no later than the petition deadline stated in this  
5 notice, for a hearing to adjudicate the validity of his/her alleged interest in the property  
6 pursuant to Fed. R. Crim. P. 32.2, and 21 U.S.C. § 853(n). If a hearing is requested, it  
7 shall be held before the Court alone, without a jury. Petitioners will bear the burden of  
8 proof in all such cases. Petitions that fail to allege an interest sufficient to maintain a  
9 claim under § 853(n) shall be subject to dismissal without a hearing.

12       5.     CONTENTS OF THE ANCILLARY PETITION: The petition shall be  
13 signed by the petitioner under penalty of perjury and shall identify the particular  
14 property or properties in which the petitioner claims a legal right, title or interest; the  
15 nature and extent of the such right, title or interest in each property; the time and  
16 circumstances of the petitioner's acquisition of the right, title and interest in each  
17 property; and any additional facts and documents supporting the petitioner's claim and  
18 the relief sought. *See* 21 U.S.C. § 853(n)(3) and Fed. R. Crim. P. 32.2. Corporate  
19 persons may only file claims if represented by counsel.

23       6.     FILING WITH THE COURT AND SERVICE ON THE UNITED  
24 STATES: All such petitions must be filed with the Office of the Clerk, United States  
25 District Court for the Eastern District of Washington, West 920 Riverside, Spokane,  
26 Washington, 99201, (P.O. Box 1493, Spokane, Washington, 99210-1493), and a copy  
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1 served on the government attorneys, Assistant United States Attorneys, Brian M.  
2 Donovan and Stephanie Van Marter, at P.O. Box 1494, Spokane, Washington  
3 99210-1494.

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5 7. ANCILLARY HEARING: A hearing on the petition shall, to the extent  
6 practicable and consistent with the interests of justice, be held within thirty (30) days  
7 of the filing of the petition. The Court may consolidate the hearing on the petition  
8 with a hearing on any other petition filed by a person other than any of the  
9 defendant(s) named above. The petitioner may testify and present evidence and  
10 witnesses on his/her own behalf and cross-examine witnesses who appear at the  
11 hearing.

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13 8. PETITIONS FOR REMISSION OR MITIGATION: The government  
14 may also consider granting petitions for remission or mitigation, which pardon all or  
15 part of the property from the forfeiture. A petition must include a description of your  
16 interest in the property supported by documentation; include any facts you believe  
17 justify the return of the property; and be signed under oath, subject to the penalty of  
18 perjury, or meet the requirements of an unsworn statement under penalty of perjury.  
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20 *See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation*  
21 *of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the*  
22 *forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the*  
23 *forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be*  
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1 made in any particular form and may be filed online or in writing. *See* 28 C.F.R.  
2 Section 9.3(a).

3 The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a  
4 standard petition for remission form that may be mailed and the link to file a petition  
5 for remission online. If you cannot find the desired assets online, you must file your  
6 petition for remission in writing by sending it to Assistant United States Attorneys Brian  
7 M. Donovan and Earl A. Hicks, 920 W. RIVERSIDE AVE., ROOM 300, P.O. BOX  
8 1494, SPOKANE, WA 99210-1494. This website provides answers to frequently asked  
9 questions (FAQs) about filing a petition for remission. You may file both an ancillary  
10 petition with the court and a petition for remission or mitigation  
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13 **If you fail to file a petition to assert your right, title or interest in the  
14 above-described property, by the date indicated on this direct notice, your right,  
15 title and interest in this property shall be lost and forfeited to the United States.**

16 **The United States then shall have clear title to the property described in the  
17 Preliminary Order of Forfeiture and may warrant good title to any subsequent  
18 purchaser or transferee.**

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22 Vanessa R. Waldref  
23 United States Attorney

24 s/ *Stephanie Van Marter*  
25 Stephanie Van Marter  
26 Assistant United States Attorney  
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